

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IRA SCHUMAN, individually and on behalf of all  
others similarly situated,

Plaintiff,

– against –

VISA U.S.A., INC., INCOMM FINANCIAL  
SERVICES, INC., and PATHWARD, N.A.,

Defendants.

Case No. 1:24-cv-00666-GHW

**NOTICE OF VISA U.S.A. INC.'S  
MOTION TO DISMISS THE SECOND AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, the Declaration of Daniel H. Tabak, dated September 3, 2024, the Declaration of Chanda Wicker, dated September 3, 2024, their respective exhibits, and all the pleadings filed in this action, Defendant Visa U.S.A. Inc. will move this Court, before the Honorable Gregory H. Woods, at the Daniel Patrick Moynihan Courthouse, Courtroom 12C, 500 Pearl Street, New York, New York 10007, on a date and at a time to be determined by the Court, for an Order dismissing the Second Amended Complaint of Plaintiff Ira Schuman pursuant to Federal Rule of Civil Procedure 12(b)(6) and awarding Visa U.S.A. Inc. such other relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, as so ordered by the Court on July 15, 2024 (ECF No. 42), Plaintiff's opposition must be served on or before October 1, 2024, and Visa U.S.A. Inc.'s reply must be served on or before October 22, 2024.

Dated: New York, New York  
September 3, 2024

Respectfully submitted,

COHEN & GRESSER LLP

By: /s/ Daniel H. Tabak

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